

California Regional Water Quality Control Board
Santa Ana Region

July 20, 2001

ITEM: 24

SUBJECT: Executive Officer's Report

DISCUSSION:

1. **Status of Compliance by City of Huntington Beach with Cleanup and Abatement Order No. 00-86** – In December 2000 I issued Cleanup and Abatement Order (CAO) No. 00-86 to the City of Huntington Beach. The CAO required the City to investigate whether the leaking sewers throughout the City had contaminated the groundwater, and whether the groundwater was a source of bacterial pollution in the surf zone of Huntington City and State Beaches. The CAO required the City to submit an investigation plan for the approval of the Executive Officer and to implement the investigation. The CAO also required the City to submit, and implement, a cleanup plan upon the completion of the investigation, if directed by the Executive Officer.

The City has complied with the requirements of the CAO and has completed the groundwater investigation. The City installed 9 groundwater monitoring wells, in areas of the City where they had found sewers to be leaking, and sampled the groundwater for bacterial and chemical indicators of sewage. After five weeks of groundwater monitoring, the City did not find any evidence of sewage contaminating the groundwater at any of the 9 locations. Therefore, it does not appear necessary to require the City to submit, or implement, a cleanup plan, as provided for by the CAO. Additionally, the groundwater investigation showed that the gradient of groundwater flow was from the ocean towards the inland areas of the City, indicating that groundwater flow would not contribute to beach pollution.

Since the City has complied with the requirements of the CAO, except for the cleanup task (which is only required at my discretion), I intend to rescind the CAO. Staff is still working closely with the City and the Orange County District Attorney's office in the investigation of the leaking sewers throughout the City to ensure that the City is repairing the leaking sewers. The City has investigated the majority of their sewer system, provided staff with plans and schedules for sewer repairs, and submitted plans for ongoing investigations and repairs of City sewers.

Staff is continuing to investigate the source of the beach pollution at Huntington State and City Beaches, as party of a multi-agency team. This includes an

extensive investigation of the Orange County Sanitation District's wastewater plume and other possible land based sources. One area of the beach, across Pacific Coast Highway from the AES power plant, is still showing high concentrations of indicator bacteria that exceed Ocean Plan objectives.

2. **Update on Status of Nitrogen/Total Dissolved Solids (N/TDS) Basin Plan Amendment Project** – No briefing concerning this project was scheduled for the July 20th Regional Board meeting. The consultants are currently completing work on a waste load modeling and allocation process that will be used to determine whether wastewater discharges within the Upper Santa Ana River Basin will cause or contribute to violations of groundwater quality objectives in those basins with no assimilative capacity for nitrogen or TDS. As previously presented to the Board, a process was developed by the N/TDS Task Force for determining both historic and current ambient water quality in the Region's ground water basins. In conformance with the policies of the State Water Resources Control Board, historic ambient water quality is the starting point for water quality objectives. These objectives may then be modified in conformance with specific provisions of the California Water Code.

One of the matters that the Board will be asked to review in its consideration of proposed new water quality objectives is be the cost of complying with the new objectives. We know that some of the upper basin discharges are tributary to downgradient basins with no assimilative capacity. Any wastewater discharges that may affect the quality of downgradient basins must not cause or contribute to violations of the water quality objectives for those basins (State Board's Rancho Cabellero Decision). The waste load modeling process will assist with predicting how upgradient discharges affect downgradient basins. This effort will allow a better understanding of whether these discharges must receive additional levels of treatment to prevent downgradient basins from violating objectives. If the cost of complying with the new objectives is exorbitant, it is likely that the dischargers responsible for compliance will oppose adoption of the new objectives. However, this cannot be determined until the waste load model is completed so that predictions can be made concerning the effects of discharges.

If it is likely that upstream discharges will result in violation of objectives, then a waste load allocation process will be used to get a better understanding of levels of treatment necessary to meet objectives.

The current schedule for the proposed basin plan amendments is that a workshop will be held at the Board's December meeting to begin the process leading to proposed basin plan revisions.

3. **Update on Riverside County Decision to Ban the Use of Class B Biosolids by Riverside County Board of Supervisors** – I previously mentioned to you that I had been invited by the Riverside County Board of Supervisors (Supervisors) to participate on a "blue ribbon" panel to make recommendations to

the Supervisors concerning the use of biosolids for agricultural purposes in Riverside County. The panel is comprised of a broad spectrum of stakeholder interests from the farmers who are eager to receive the biosolids as a fertilizer for their crops to the affected homeowners who want the use of biosolids banned within the county. Also represented on the panel are the Building Industry Association, U.C. Riverside, wastewater treatment facilities, and County Health staff. The Supervisors publicly indicated that they wanted the panel to provide consensus recommendations in short order, but it was pretty clear from the outset that the broad spectrum of interests represented on the panel would not be able to present a consensus position. In fact, the panel could not even arrive at a consensus that there was any place for the use of biosolids in agriculture.

The Supervisors decided to act unilaterally, without benefit of input from the panel, to ban the use of Class B biosolids within the county. They have not yet moved to consideration of Class A or better treatment levels. While better levels of treatment are effective in reducing pathogen levels, Class A biosolids may actually have more potential to cause odor (as a result of higher temperature treatment) than Class B. While some may point to the health risks of the use of biosolids, most of the objections to its use are really quality of life issues, as there is a high likelihood for odors to be produced when biosolids are applied at the beginning of a growing season. However, even with the ban on the use of biosolids, complaints will still be generated in agricultural areas when animal manure is used for fertilizer on the same fields where biosolids are now banned. We have seen the same type of public opposition in the Chino Basin when residential development moves adjacent to and within areas with active agricultural operations.

Operators of wastewater treatment plants have been running up against similar biosolids exclusion policies in other counties, also. Contractors hired to manage these biosolids have been utilizing multiple management options, in the event that something like the Riverside County ban occurs. With the use of multiple options, when one door is closed, other options remain. Costs will continue to escalate for the ratepayers of these facilities, but the wastewater facilities will continue to have options that can be utilized. The agencies within the Region that are affected by the Riverside County ban include the City of Riverside, Inland Empire Utilities Agency, and the Orange County Sanitation District.

- 4. Inland Empire Utilities Agency (IEUA) Organics Management Conference –**
On June 15th, I spoke at a conference sponsored by IEUA and the National Water Research Institute (NWRI) concerning organics management. The IEUA conference was very timely, given that the Agency has already been affected by the Riverside County biosolids ban discussed in the previous item. This conference was scheduled as the culmination of a long and well-planned public participation process, during which many different organics management options and facilities locations were explored.

While representatives of the City of Chino Hills still seem to oppose any organics management alternatives that are located near the City of Chino Hills limits, the IEUA effort seems to otherwise enjoy considerable support. The project continues to explore a number of organics management options, focusing mainly on composting and waste-to-energy components. Several of these components utilize methane gas produced through organics digestion processes to be used to generate electrical energy. It is envisioned that this power would be used to operate the Chino Basin desalters, as well as other IEUA facilities. Energy generation will provide a considerable offset to the operating costs associated with organics management.

The IEUA conference included speakers from a number of agencies, including Cal/EPA, California Department of Agriculture, National Resources Conservation Service, and the California Air Resources Board. The speakers expressed broad support for well-planned organics management and re-use project. My comments focused specifically on the IEUA proposals, indicating that water quality would benefit from wise organics management planning and implementation.

5. **Orange County Sanitation District (OCSD) Relocation of the Santa Ana Regional Interceptor (SARI Line)** -- The OCSD has run into considerable opposition to the idea of moving the SARI line out of the alignment of the Santa Ana River, in order to provide increased protection of the line from washout and damage due to flooding of the River. You may recall that OCSD made a presentation to the Board concerning the threat to the line, as River flows erode cover from the alignment, and described a number of alternatives proposed by the District to address those threats.

The opposition to relocation of the line stems from two main sources. The Santa Ana Watershed Project Authority (SAWPA) has a very high level of contractual responsibility for costs associated with the SARI line. They are opposed to the alternative proposed by the District because they believe it is too costly. Secondly, property owners in Yorba Linda located adjacent to the easement proposed to be used by the District oppose the construction activities that would result from the project.

District representatives have indicated that the difficulty they have had with SAWPA and the City of Yorba Linda have now resulted in a delay in protecting the SARI line of at least two winters. Staff continues to be very concerned with the threat of failure of the line because of the environmental damage that would occur from leaking sewage from the SARI line, the potential damage to OCSD's treatment facility from sand and debris that might enter the broken line, and the significant consequences to operations (ongoing cleanup projects utilizing desalters and industrial facilities) that depend on the use of the SARI line for waste disposal. OCSD staff have indicated that they will soon provide the Board with an update concerning this matter.

6. **401 Certification for the Vila Borba Project** – Two petitions have been filed with the State Board concerning the Board's action at the June 1, 2001 Board meeting to grant 401 certification for this project. One petition was filed by Paulette Hawkins, a resident of the City of Chino Hills, and the second by the Natural Resources Defense Council, Defend the Bay and Paulette Hawkins. Briefly, both petitions argue that the Board's action was inappropriate and improper on the basis that notice of the proposed action was inadequate and that CEQA requirements had not been satisfied. The petitioners request that the State Board overturn the Regional Board's approval and remand the matter to the Board with the direction that the Board deny the 401 certification without prejudice until public notice and CEQA requirements are satisfied. We will keep you apprised of the status of these petitions.

You received a copy of our June 6, 2001 letter to the project applicant, Mary Parente, requesting specific information concerning the mitigation that she proposed to address the water quality and beneficial use impacts of her project. (You may recall that at the June 1, 2001 hearing on this matter, staff advised you that the mitigation proposed appeared to be conceptually acceptable, but that more detailed information was required. Our June 6th letter was intended to address these deficiencies.) In response to that letter, we received a telephone call from a consultant to Ms. Parente requesting some clarification/confirmation concerning our information request. The consultant expressed surprise that the water quality detention basin proposed by Ms. Parente was intended to address runoff from the project site as a whole, and not just for Tentative Tract Map 15696, for which a specific development proposal has been made. We have not had any further contact from Ms. Parente's consultants on this matter, nor has any information been submitted in response to our request.

After the June 1st hearing, we learned that Southern California Edison had written to the City of Chino Hills to express concern that the proposed development of Tract Map 15696 might interfere with Edison's easement rights. You may recall that this easement is a significant component of the mitigation package proposed by Ms. Parente for impacts to beneficial uses. We are not aware of any agreements that have been reached between Ms. Parente and SCE regarding easement issues. Resolution of these issues may materially affect the efficacy and adequacy of the Ms. Parente's proposed mitigation. We expect to have more information on this issue by your July 20th meeting.

7. **Demolition of Aboveground Fuel Storage Tanks and Site Characterization at Former CENCO (Golden West) Refinery Site in Huntington Beach** – In March 1999, Cal/EPA's site designation committee appointed the Regional Board as Administering Agency for site investigation and cleanup activities at the former CENCO refinery facility in the City of Huntington Beach. Currently, it appears that the primary concern at the site is petroleum hydrocarbons that may be present in soil and groundwater as a result of the crude oil that was stored at the facility. In a letter dated October 23, 2000, I accepted, with conditions, a site

characterization work plan that was submitted by CENCO on June 28, 2000. In accordance with California Water Code Section 13267, I also required CENCO to submit a technical report on the findings of the investigation by January 31, 2001. The work plan included demolition of the aboveground tanks at the site.

Following a meeting with CENCO and staff from the City on December 28, 2000, the report submittal deadline was extended to September 28, 2001. In a letter dated May 22, 2001, the City informed Board staff that CENCO had ceased all site activities as of March 27, 2001. The letter also stated that CENCO had informed the City that CENCO would not proceed with site demolition until a new pipeline franchise agreement with the City, for a pipeline apparently unrelated to the site, was in place. The City contacted Board staff and asked us to meet by teleconference to discuss CENCO's failure to comply with the approved project schedule. We met with the City by teleconference on June 13, 2001, and assured them that we would hold CENCO to the September 28, 2001 deadline.

Considering that CENCO had already been granted an extension to September 28, 2001 to submit the report, and considering that CENCO elected to postpone work necessary to complete the report by September 28, 2001, I sent CENCO a letter dated June 20, 2001, stating that an administrative civil liability complaint will be issued to CENCO in an amount up to \$1,000 for each day after September 28, 2001, that the report is not submitted.

8. **Status Report on Riverside and San Bernardino County Municipal Storm Water Permits** - The storm water runoff from municipal separate storm sewer systems (MS4s) under the jurisdiction of the Santa Ana Regional Board is regulated under three separate area-wide NPDES permits, one for each county area. These NPDES permits expired in March 2001 and were administratively extended. The first draft for renewal of the Orange County MS4 permit was issued on May 11, 2001. The Board conducted a workshop on June 1, 2001 and a second workshop on the revised draft permit is scheduled for the July 20, 2001 Board meeting. A public hearing on this draft permit will be scheduled for the September 14, 2001 Board meeting.

The draft MS4 permits for Riverside and San Bernardino Counties and their incorporated cities under the jurisdiction of the Santa Ana Regional Board are expected to be released for public comments by August 10, 2001. The first workshop on these two MS4 permits will be scheduled for the September 14, 2001 Board meeting. These two draft MS4 permits will be scheduled for a public hearing at a later Board meeting.